

OJS 44 (Rev. 3/99)

CIVIL COVER SHEET

APPENDIX B

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Matthew Cannon

(b) County of Resident of First Listed Plaintiff Bucks County, PA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
Vicki Piontek
951 Allentown Road
Lansdale, PA 19446
(877) 737-8617

DEFENDANT

LVNV Funding LLC

County of Residence of First Listed Greenville, S.C.
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)
Nipun J. Patel
Reed Smith LLP
2500 One Liberty Place, 1650 Market Street
Philadelphia, PA 19103-7301
(215) 851-8100

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place Of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	PERSONAL INJURY	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Med. Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus: <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal <input type="checkbox"/> 423 Individual 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(G)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 765 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS--Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input checked="" type="checkbox"/> 890 Other Statutory Actions

(PLACE AN "X" IN ONE BOX ONLY)

V. ORIGIN

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and writ brief statement of cause.)

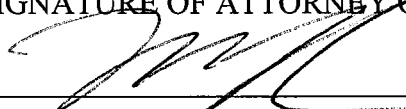
Do not cite jurisdictional statutes unless diversity.)

Plaintiff brought his case under the Fair Debt Collection Practices Act, 15 USC 1692, et seq.

VII. REQUESTED IN COMPLAINT	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$ 7,751.00	CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
VIII. RELATED CASE(S) IF ANY	(See instructions):	JUDGE _____	DOCKET NUMBER _____

DATE December 26, 2012

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

JS 44 Reverse (Rev. 12/96)

UNITED STATES DISTRICT COURT

APPENDIX F

FOR THE EASTERN DISTRICT OF PENNSYLVANIA X DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 951 Allentown Road, Lansdale, Pennsylvania 19446

Address of Defendant: 15 South Main Street, Greenville, South Carolina 29601

Place of Accident, Incident or Transaction: Bucks County, Pennsylvania

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes X No

Does this case involve multidistrict litigation possibilities?

Yes No X

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes No X
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes No X
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes No X

CIVIL: (Place Y in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Patent
6. Labor-Management Relations
7. Civil Rights
8. Habeas Corpus
9. Securities Act(s) Cases
10. Social Security Review Cases
11. X All other Federal Question Cases
(Please specify)
Fair Debt Collection Practices Act

B. Diversity Jurisdiction Cases:

1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify)
7. Products Liability
8. Products Liability X Asbestos
9. All other Diversity Cases

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, Nipun J. Patel, counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☒ Relief other than monetary damages is sought.

DATE: December 26, 2012

Attorney-at-Law

208130
Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: December 26, 2012

Attorney-at-Law

208130
Attorney I.D.#

CIV. 609 (4/03)

UNITED STATES DISTRICT COURT

APPENDIX F

FOR THE EASTERN DISTRICT OF PENNSYLVANIA X DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 951 Allentown Road, Lansdale, Pennsylvania 19446

Address of Defendant: 15 South Main Street, Greenville, South Carolina 29601

Place of Accident, Incident or Transaction: Bucks County, Pennsylvania

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☒ No

Does this case involve multidistrict litigation possibilities?

Yes No ☒ X

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes No ☒ X
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes No ☒ X
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes No ☒ X

CIVIL: (Place **Y** in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Patent
6. Labor-Management Relations
7. Civil Rights
8. Habeas Corpus
9. Securities Act(s) Cases
10. Social Security Review Cases
11. ☒ All other Federal Question Cases
(Please specify)

Fair Debt Collection Practices Act

B. Diversity Jurisdiction Cases:

1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify)
7. Products Liability
8. Products Liability ☒ Asbestos
9. All other Diversity Cases

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, Nipun J. Patel, counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☒ Relief other than monetary damages is sought.

DATE: December 26, 2012

Attorney-at-Law

208130

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: December 26, 2012

Attorney-at-Law

208130

Attorney I.D.#

CIV. 609 (4/03)

APPENDIX I

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MATTHEW CANNON, <div style="text-align: right; padding-right: 20px;">Plaintiff,</div>	:	
v.	:	Civil Action No. _____
J.C. CHRISTENSEN AND ASSOCIATES, INC.	:	
<i>and</i>	:	
LVNV FUNDING, LLC	:	
<i>and</i>	:	
JOHN DOES 1-10	:	
<i>and</i>	:	
X, Y, Z CORPORATIONS,	:	
Defendants.	:	

CASE MANAGEMENT TRACK DESIGNATION FORM

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See ¶ 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus B Cases brought under 28 U.S.C. §2241 through §2255. ()
- (b) Social Security B Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ()
- (c) Arbitration B Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos B Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management B Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()

(f) Standard Management B Cases that do not fall into any one of the other tracks.

(X)

Date: December 26, 2012



Nipun J. Patel, Esquire
Jenai H. St. Hill, Esquire
REED SMITH LLP
1650 Market Street
2400 One Liberty Place
Philadelphia, PA 19103
(215) 851-8100
(215) 851-1420 (Facsimile)
Email: npatel@reedsmith.com
jsthill@reedsmith.com

*Attorneys for Defendant
LVNV Funding, LLC*

X, Y, Z CORPORATIONS,
Defendants.

• • • • •

Civil Action No. _____

1. On November 13, 2012, Plaintiff Matthew Cannon (“Plaintiff”) commenced an action by filing a Complaint in the Court of Common Pleas of Bucks County where it is presently captioned Matthew Cannon v. J.C. Christensen and Associates, Inc. and LVNV Funding, LLC, Civil Action No. 2012-05534. A true and correct copy of Plaintiff’s Complaint is attached hereto as **Exhibit A**.

2. Defendant LVNV Funding LLC received the Complaint via certified mail on or about November 26, 2012.

3. To this date, no further pleadings have been filed and no further proceedings have occurred in the Bucks County Court litigation.

4. Plaintiff has not filed any affidavit of service as to any other Defendant.

5. In Plaintiff's Complaint, he seeks recovery in connection with alleged violations of the Fair Debt Collections Practices Act, 15 U.S.C. § 1692 *et seq.* See Compl. ¶ 1.

B. REMOVAL IS PROPER BECAUSE FEDERAL QUESTION JURISDICTION EXIST.

6. Removal of this action is proper under 28 U.S.C. §§ 1331 and 1441(a) based on federal question jurisdiction, which allows for the removal of any civil action over which the district courts of the United States would have original jurisdiction.

7. This Court has original jurisdiction over this action because Plaintiff's claims are founded on a claim or right "arising under the ... laws of the United States." See 28 U.S.C. § 1331. More specifically, original jurisdiction is present in this action because Plaintiff's alleged claim under the Fair Debt Collection Practices Act presents a federal question. See 28 U.S.C. § 1331.

8. Accordingly, had Plaintiff's Complaint been brought in the United States District Court for the Eastern District of Pennsylvania originally, this Court would have had original jurisdiction over the subject matter under 28 U.S.C. § 1331. As a result, this action is properly removable to this Court pursuant to the provisions of 28 U.S.C. § 1441.

C. ALL OF THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE SATISFIED.

9. As noted below, Defendant has complied with each of the procedural requirements necessary for removal:

- a) Removal is Timely: Pursuant to 28 U.S.C. § 1446(b), a notice of removal “shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.” This Notice of Removal is being filed within thirty (30) days after Defendant received a copy of Plaintiff’s Complaint (November 26, 2012), and is therefore timely.

- b) Venue is Proper: Under 28 U.S.C. § 1441(a), a state court action may be removed “to the district court of the United States for the district and division embracing the place where such action is pending.” The Court of Common Pleas of Bucks County is located within the Eastern District of Pennsylvania. See 28 U.S.C. § 118. Accordingly, venue is proper in this Court.

- c) Named Defendant Consents to Removal: Defendant J.C. Christensen and Associates, Inc. has not been properly served the Complaint. As such, its consent is not necessary to remove this action to federal court. See DiLoreta v. Costigan, Nos. 08-989 & 08-990, 2008 WL 4072813, at *2 (E.D. Pa. Aug. 29, 2008) (stating an exception to “unanimity requirement” under 28 U.S.C. § 1446(b)(2)(A) is when a co-defendant has not been served with the initial pleadings); see also Ogletree v. Barnes, 851 F. Supp. 184, 187 (E.D. Pa. 1994) (same). Notwithstanding this exception, J.C. Christensen and Associates, Inc. consents to this Notice of Removal. A true and correct copy of J.C. Christensen and Associates’ Consent to Notice of Removal is attached hereto as **Exhibit B**.

- d) Pleadings and Process: True and correct copies of all process and pleadings served upon Defendant are attached hereto as **Exhibit A** in compliance with 28 U.S.C. § 1446(a).

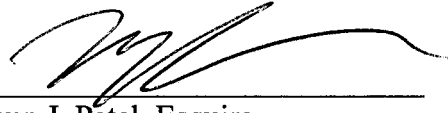
- e) Filing and Service: Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon counsel for Plaintiff and Defendant J.C. Christensen and Associates, Inc., and a copy is being filed with the Clerk of the Court of Common Pleas of Bucks County.

10. No admission of fact, law or liability is intended by this Notice of Removal, and Defendant LVNV Funding, LLC expressly preserves all of its defenses, denials and/or objections to Plaintiff's Complaint and each and every allegation thereof.

11. In consenting to and joining in this Notice of Removal, Defendant J.C. Christensen and Associates, Inc. makes no admission of fact, law, or liability, and preserves all of its defenses, denials and/or objections to Plaintiff's Complaint and every allegation thereof.

WHEREFORE, Defendant LVNV Funding LLC requests that the above-captioned action be removed from the Court of Common Pleas, Bucks County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania, and that all further proceedings in this action be held before this Court.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'N. Patel', written over a horizontal line.

Nipun J. Patel, Esquire
Jenai H. St. Hill, Esquire
REED SMITH LLP
1650 Market Street
2400 One Liberty Place
Philadelphia, PA 19103
(215) 851-8100
(215) 851-1420 (Facsimile)
Email: npatel@reedsmith.com
jsthill@reedsmith.com

*Attorneys for Defendant
LVNV Funding, LLC*

Dated: December 26, 2012

CERTIFICATE OF SERVICE

I hereby certify that, on this 26th day of December 2012, I caused to be served a true and correct copy of the foregoing Defendant LVNV Funding LLC's Notice of Removal via ECF and/or United States First Class Mail upon the following:

Vicki Piontek
951 Allentown Road
Lansdale, PA 19446
Attorney for Plaintiff

Michael A. Klutho
BASSFORD REMELE
33 South Sixth Street, Suite 3800
Minneapolis, MN 55402-3707
Attorney for J.C. Christensen and Associates, Inc.

A handwritten signature in black ink, appearing to read 'Nipun J. Patel', is written over a horizontal line.

Nipun J. Patel

EXHIBIT A

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Legal Aid of Southeastern Pennsylvania for Bucks County
1290 Veterans Highway, Box 809, Bristol, PA 19007
215-781-1111

Bucks County Legal Aid Society
100 Union St, Doylestown, PA 18901
(215) 340-1818

Bucks County Bar Association
135 East State Street, PO Box 300, Doylestown, PA 18901
215-348-9413

IN THE COURT OF COMMON PLEAS
OF BUCKS COUNTY, PENNSYLVANIA

Matthew Cannon
c/o Piontek Law Office
951 Allentown Road
Lansdale, PA 19446

Plaintiff

Vs.

J.C. Christensen and Associates, Inc.
215 North Benton Drive
Sauk Rapids, MN 56379
and
LVNV Funding, LLC
15 South Main Street, Suite 700
Greenville, SC 29601

and

John Does 1-10

and

X,Y, Z Corporations

Defendants

2012-05534

COMPLAINT

INTRODUCTION

1. Plaintiff, Matthew Cannon, brings this action against Defendant,(s) under the Fair Debt Collection Practices ACT (FDCPA), 15 USC 1692 et. seq..

JURISDICTION AND VENUE

2. The previous paragraphs of this Complaint are incorporated by reference and made a part of this Complaint.
3. Defendant(s) is within the jurisdiction of this Court. Defendant regularly transacts business in this jurisdiction. Thus, Defendant(s) has obtained the benefits of the market in Bucks County, Pennsylvania.
4. Venue is proper in this jurisdiction. Defendant transacts business throughout the Commonwealth of Pennsylvania in general and within this jurisdiction. A substantially portion of the conduct complained of occurred in this jurisdiction. Plaintiff resides in this jurisdiction.

THE PARTIES

5. The previous paragraphs of this Complaint are incorporated by reference and made a part of this Complaint.
6. Plaintiff is Matthew Cannon, an adult individual with a mailing address of c/o Piontek Law Office, 951, Allentown Road, Lansdale, PA 19446.
7. Defendant(s) may include but not be limited to the following.
 - a. J.C. Christensen and Associates, Inc. 215 North Benton Drive, P.O. Box 519, Sauk Rapids, MN 56379, a collection agency engaged in the business of collecting consumer debts from residents of various states throughout the United States, including but not limited to Pennsylvania.
 - b. LVNV Funding, LLC, a business entity with a principle place of business located at 15 South Main Street, Suite 700, Greenville, SC 29601.
 - c. John Does 1-10, individuals or business entities whose identities are not known to Plaintiff at this time, but which will become known upon proper discovery. It is believed and averred that such Does played a substantial role in the commission of the acts described in this complaint.
 - d. X,Y,Z Corporations, business identities whose identities are not known to Plaintiff at this time, but which will become known upon proper discovery. It is believed and averred that such entities played a substantial role in the commission of the acts described in this complaint.

COUNT ONE: Violation of Fair Debt Collection Practices Act, 15 USC 1692 et. seq.

8. The previous paragraphs of this complaint are incorporated by reference and made a part of this Complaint.
9. Plaintiff is a consumer debtor as defined by the Fair Debt Collections Practices Act (FDCPA), 15 USC 1692 et. Seq.
10. At all times mentioned herein, Defendant was attempting to collect on a consumer debt from Plaintiff.
11. Defendants is a debt collector as defined by the FDCPA, 15 USC 1692 et. seq.
12. Within the applicable statute of limitations prior to the commencement of this action, Defendant(s) contacted Plaintiff by telephone on one or more occasions.
13. During one or more of the pertinent telephone conversations that took place between Plaintiff and Defendant, Plaintiff spoke with a female representative, agent or employee of Defendant.
14. During the telephone conversation(s) that took place, Plaintiff(s)' agent(s) representative(s) or employee(s) made the following materially false, misleading, deceptive, harassing and intimidating statements or implications.

- a. That Plaintiff would be sued if Plaintiff did not pay Defendant(s) on the alleged consumer debt that Defendant(s) was attempting to collect from Plaintiff.
 - b. That Defendant(s) had retained a lawyer for the purpose of collecting the alleged consumer debt from Plaintiff.
15. At all times mentioned in this Complaint, Defendant's above referenced statements to Plaintiff about impending legal action were false and misleading.
16. It is believed and averred that Defendant had no knowledge, one way or another, whether the alleged creditor intended to file suit against Plaintiff or not.
17. At all times mentioned in this Complaint, it is believed and averred that Defendant had no knowledge, one way or another, whether the alleged creditor intended to forward the account to an attorney or not.
18. At all times mentioned in this Complaint, it is believed and averred that Defendant(s) was acting as a third party debt collector, and was merely serving the alleged account, and was not the owner of the alleged account.
19. At all times mentioned in this Complaint, it is believed and averred that such false statements were a mere scare tactic to cause consumers to make payments to Defendant under false threat and / or implication of impending legal action.

LIABILITY

20. The previous paragraphs of this complaint are incorporated by reference and made a part of this complaint.
21. All previous paragraphs of this complaint are incorporated by reference and made a part of this complaint.
22. Defendant(s) is liable for the acts committed by its agents under the doctrine of respondeat superior because Defendant's agents were acting within the scope of their employment with Defendant.
23. In the alternative, Defendant(s) is liable for the conduct of its agents / employees under the theory of joint and several liability because Defendant and its agents / employees were engaged in a joint venture and were acting jointly and in concert.
24. Any mistake made by Defendant would have included a mistake of law.
25. Any mistake made by Defendant would not have been a reasonable or bona fide mistake.
26. At all times mentioned in this Complaint, Defendants, JACOB LAW GROUP, PLLC and Michael Jacob, and the agent(s), representative(s) or employee(s) who committed the aforementioned FDCPA violations were acting as agents of Defendant, Resurgent Capital Services L.P. , 15 South Main Street, Suite 700, Greenville, SC 29601.

27. At all times mentioned in this Complaint, Defendants, JACOB LAW GROUP, PLLC and Michael Jacob, and the agent(s), representative(s) or employee(s) who committed the aforementioned FDCPA violations were acting as agents of Defendant, Resurgent Capital Services L.P. , 15 South Main Street, Suite 700, Greenville, SC 29601.
28. At all times mentioned in this Complaint, Defendants, JACOB LAW GROUP, PLLC and Michael Jacob, and the agent(s), representative(s) or employee(s) who committed the aforementioned FDCPA violations were acting jointly and in concert with Defendant, Resurgent Capital Services L.P. , 15 South Main Street, Suite 700, Greenville, SC 29601.
29. At all times mentioned in this Complaint, Defendant, Resurgent Capital Services L.P. is liable for the acts and / or omission of Defendants JACOB LAW GROUP, PLLC and Michael Jacob, and their agent(s), representative(s) or employee(s), under the doctrine of joint and several liability.
30. At all times mentioned in this Complaint, Defendant, Resurgent Capital Services L.P. is liable for the acts and / or omission of Defendants JACOB LAW GROUP, PLLC and Michael Jacob, and their agent(s), representative(s) or employee(s), under the doctrine of respondeat superior. See MOSES v. LAW OFFICE OF HARRISON ROSS BYCK, PC, William Seltzer, DBG Collection, Inc., and Cach, LLC, United Stated District Court for the Middle District of Pennsylvania, 08 cv 1939, Aug. 4, 2009; also see MARTSOLF, v. JBC LEGAL GROUP, P.C., and OUTSOURCE RECOVERY MANAGEMENT, United Stated District Court for the Middle District of Pennsylvania, 04-CV-1346.

DAMAGES

31. The preceding paragraphs of this complaint are incorporated by reference and made a part of this complaint.
32. Plaintiff's actual damages are \$1.00 more or less, including but not limited to stationary, postage, phone calls, etc. to Plaintiff's attorney to stop the unlawful collection activity.
33. Plaintiff believes and avers that Plaintiff is entitled to \$1,000.00 statutory damages under the FDCPA 15 USC 1692k.
34. Plaintiff suffered emotional distress, worry, fear and anger as a result of Defendant(s)' illegal collection activity.
35. For purposes of a default judgment, Plaintiff believes and avers that the value of such distress is no less than \$5,000.00.

ATTORNEY FEES

36. The preceding paragraphs of this complaint are incorporated by reference and made a part of this complaint.

37. Plaintiff believes and avers that Plaintiff is entitled to attorney fees of \$1,750.00 at a rate of \$350.00 per hour which includes the following:

a. Consultation with client	1 hour
b. Drafting , editing and review of Complaint and related documents	2 hours
c. Follow up with Defendant	2
	<hr/>
	5 hours

Total Hours Spent as of Date of Filing Complaint: 3hours x \$350.00 per hour = \$1,750

38. Plaintiff's attorney fees continue to increase as the case progresses.

Wherefore, plaintiff demands judgment against defendant in the amount of \$7,751.00
enumerated below.

\$1,000.00 under FDCPA, 15 USC 1692 et. seq.

\$1.00 actual damages, for postage, stationary, inconvenience and loss of time.

\$1,750.00 attorney fees.

\$5,000 emotional distress

\$7,751.00

Plaintiff also seeks declaratory and injunctive relief, and such other relief as this
Honorable Court may deem appropriate.



Vicki Piontek., Esquire
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Lansdale, PA 19446
877-737-8617
palaw@justice.com
Fax: 866-408-6735

11-5-2012
Date

2012-11-03 13:01

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18664086735 P 2/2

IN THE COURT OF COMMON PLEAS
OF BUCKS COUNTY, PENNSYLVANIA

Matthew Cannon
c/o Piontek Law Office
951 Allentown Road
Lansdale, PA 19446

Plaintiff

Vs.
J.C. Christensen and Associates, Inc.
P.O. Box 519
Sauk Rapids, MN 56379
and
J.C. Christensen and Associates, Inc.
215 North Benton Drive
Sauk Rapids, MN 56379
and

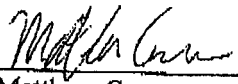
Jury Trial Demanded

and
John Does 1-10
and
X,Y, Z Corporations

Defendants

VERIFICATION

I, Matthew Cannon, have read the attached complaint. The facts stated in the complaint are true and accurate to the best of my knowledge, understanding and belief.


Matthew Cannon

09/03/2012
Date

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MATTHEW CANNON

Plaintiff,

v.

J.C. CHRISTENSEN AND ASSOCIATES, INC.

and

LVNV FUNDING, LLC

and

DOES 1-10

and

X, Y, Z CORPORATIONS,

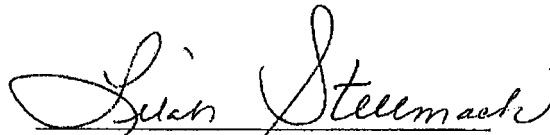
Defendants.

Civil Action No. _____

**DEFENDANT J.C. CHRISTENSEN AND ASSOCIATES, INC.'S
CONSENT TO NOTICE OF REMOVAL**

Defendant J.C. Christensen and Associates, Inc., hereby consents to the Notice of Removal of LVNV Funding, LLC, removing this action from the Court of Common Pleas, Bucks County (Docket No. 2012-05534), to the United States District Court for the Eastern District of Pennsylvania, pursuant to 28 U.S.C. §§ 1441, 1446 and 1331.

Dated:



Lilah Stellmach
Compliance Director
J.C. Christensen and Associates, Inc.
P.O. Box 519
Sauk Rapids, MN 56379